

**SENATE JOURNAL  
64TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 24, 2015

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-five members present, Senators Caferro, Phillips, Sands, Thomas, and Wolken, excused. Quorum present.

**BILLS AND JOURNALS** (Fielder, Chair): 1/24/2015

Correctly printed: **SB 31, SB 35, SB 38, SB 59, SB 62, SB 67, SB 98, SB 104, SB 117, SB 203, SB 204, SB 205.**

Correctly engrossed: **SB 52, SB 68, SB 76, SB 77, SB 90.**

Transmitted to the House: **SB 8, SB 28, SB 36, SB 93, SB 113.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair): 1/23/2015

**SB 105**, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.

**Strike:** "REQUIRING" on line 10 through "UNITS;" on line 11

2. Title, page 1, line 12.

**Strike:** "39-51-1213,"

3. Page 15, line 24 through page 17, line 7.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

4. Page 22, line 23 through page 23, line 9.

**Strike:** sections 14 and 15 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair): 1/23/2015

**SB 34**, do pass. Report adopted.

**SB 37**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

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**Following:** "DECREE;"

**Insert:** "ELIMINATING CERTAIN PROCESSING FEES;"

**Strike:** "AND"

**Strike:** "85-2-225,"

2. Title, page 1, line 8.

**Following:** "MCA"

**Insert:** "; AND REPEALING SECTION 85-2-225, MCA"

3. Page 4, line 4.

**Strike:** "3"

**Insert:** "2"

4. Page 4, line 5.

**Strike:** "all" through "county"

**Insert:** "a daily newspaper of general county circulation"

5. Page 4, line 7.

**Strike:** "property taxpayer"

**Insert:** "unique property owner"

**Strike:** ", postage prepaid,"

6. Page 4, line 7 through line 8.

**Strike:** "before" on line 7 through "2017" on line 8

**Insert:** "by January 1, 2016, and one time by July 1, 2016"

7. Page 4, line 13 through line 28.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

8. Page 11.

**Following:** line 26

**Insert:** "NEW SECTION. Section 8. Repealer. The following section of the Montana Code Annotated is repealed:

85-2-225. Filing fee -- processing fee for remitted claims."

And, as amended, do pass. Report adopted.

**SB 49**, do pass. Report adopted.

**SB 56**, do pass. Report adopted.

**SJ 5**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 7.

**Following:** "WATER"

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**Insert:** "AND DITCH"

2. Page 1, line 18.

**Following:** "water"

**Insert:** "and ditch"

3. Page 1, line 24.

**Following:** "water"

**Insert:** "and ditch"

4. Page 1, line 25.

**Strike:** "changing"

**Strike:** "to that of a district court, and"

**Insert:** ", district courts, and the department of natural resources and conservation, and if necessary"

5. Page 1, line 28.

**Following:** "water"

**Insert:** "and ditch"

6. Page 1, line 29.

**Following:** "agencies"

**Strike:** "and"

**Insert:** ", "

**Following:** "courts"

**Insert:** ", and water users"

**Following:** "related to water"

**Insert:** "and ditch"

**Following:** "rights;"

**Strike:** "and"

7. Page 1, line 30.

**Following:** "water"

**Insert:** "and ditch"

**Following:** "states"

**Insert:** "; and

(4) the impacts any changes may have on water users"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (D. Brown, Chair):  
**SB 43**, introduced bill, be amended as follows:

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1. Title, page 1, line 7.

**Strike:** "AND"

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**Insert:** "EXCEPT"

2. Page 2, line 24.

**Following:** "pursuant to"

**Strike:** "this section"

**Insert:** "subsections (3), (4), or (5)"

3. Page 2, line 27.

**Strike:** "other than an attorney"

And, as amended, do pass. Report adopted.

**SB 72**, do pass. Report adopted.

**SB 94**, do pass. Report adopted.

**SB 124**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "24 HOURS"

**Insert:** "1 BUSINESS DAY"

2. Page 1, line 24.

**Strike:** "24 hours"

**Insert:** "1 business day"

And, as amended, do pass. Report adopted.

**SJ 6**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/23/2015

**HB 41**, introduced by C. Hunter

**HB 52**, introduced by M. Dunwell

**HB 60**, introduced by W. Curdy

**HB 97**, introduced by E. McClafferty

**HB 104**, introduced by J. Eck

**HB 112**, introduced by K. Regier

**HB 121**, introduced by J. Karjala

**HB 168**, introduced by S. Fitzpatrick

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 2**, introduced by D. Brown, referred to State Administration.

**SR 3**, introduced by T. Brown, referred to Agriculture, Livestock and Irrigation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJ 9**, introduced by J. Brenden, Debby Barrett, M. Cuffe, J. Fielder, K. Hansen, J. Hinkle, B. Hoven, R. Ripley, M. Rosendale, C. Smith, N. Swandal, G. Vance, C. Vincent, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 82** - Senator Hamlett moved **SB 82** do pass. Motion carried as follows:

Yeas: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 38

Nays: Ankney, Barrett Dick, Brenden, Driscoll, Kaufmann, Keane, Sesso.

Total 7

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 88** - Senator Brenden moved **SB 88** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley,

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Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 102** - Senator Ankney moved **SB 102** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SJ 1 - House Amendments** - Senator Rosendale moved House amendments to **SJ 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 42

Nays: Barrett Dick, Kaufmann, Malek.

Total 3

Absent or not voting: None.

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Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 44** - Senator Brenden moved **SB 44** do pass. Motion **failed** as follows:

Yeas: Barrett Dick, Brenden, D. Brown, Driscoll, Fielder, Hamlett, Jones, Kaufmann, Keane, Keenan, Larsen, McNally, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Swandal, Taylor, Vance, Webb, Ms. President.

Total 23

Nays: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Cohenour, Connell, Facey, Hansen, Hinkle, Hoven, Howard, Kary, Malek, Moe, Smith, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy.

Total 23

Paired: D. Brown, Aye; Thomas, No.

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Wolken.

Total 4

Senator Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 44

Nays: Brenden.

Total 1

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 16** passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Malek, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.

Total 33

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, McNally, Moe, Pomnichowski, Sesso, Whitford.

Total 12

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 31** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 35** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary,



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Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 44

Nays: Taylor.

Total 1

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 59** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 43

Nays: Hansen, Keenan.

Total 2

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 62** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 67** passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy.

Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vincent, Ms. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SB 98** passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Pomnichowski, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy.

Total 30

Nays: Blasdel, Brenden, Fielder, Hansen, Hinkle, Howard, Kary, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Ms. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Caferro, Phillips, Sands, Thomas, Wolken.

Total 5

**SPECIAL ORDERS OF THE DAY**

Senator Smith thanked the Pages for their service this week.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate adjourn until 1:00 p.m., Monday, January 26, 2015, the seventeenth legislative day. Motion carried.

Senate adjourned at 9:00 a.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President of the Senate